

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

EFG BANK S.A., f/k/a EFG Private Bank S.A.,
EFG BANK (MONACO) S.A.M., f/k/a EFG
Eurofinancière d'Investissements S.A.M., and EFG
BANK & TRUST (BAHAMAS) LIMITED, as
successor-in-interest to Banco Atlantico (Bahamas)
Bank & Trust Limited,

Defendants.

Adv. Pro. No. 12-01690 (SMB)

CERTIFICATION TO COURT OF APPEALS BY ALL PARTIES¹

A notice of appeal having been filed in the above-styled matter on March 16, 2017 (ECF No. 72), Irving H. Picard (the "Trustee"), as trustee of the substantively consolidated liquidation proceeding of Bernard L. Madoff Investment Securities LLC ("BLMIS"), under the Securities Investor Protection Act ("SIPA"), 15 U.S.C. §§ 78aaa, *et seq.*, and the estate of Bernard L.

¹ This certification complies with Official Bankruptcy Form 424.

Madoff, individually, and EFG Bank S.A., EFG Bank (Monaco) S.A.M., and EFG Bank & Trust (Bahamas) Limited, who are the appellant and all the appellees, hereby certify to the court under 28 U.S.C. § 158(d)(2)(A) that a circumstance specified in 28 U.S.C. § 158(d)(2) exists as stated below.

Leave to appeal in this matter:

- ☐ is required under 28 U.S.C. § 158(a)
☒ is not required under 28 U.S.C. § 158(a)

This certification arises in an appeal from a final judgment, order, or decree of the United States Bankruptcy Court for the Southern District of New York entered on March 6, 2017 (ECF No. 71).

An immediate appeal from the judgment, order, or decree may materially advance the progress of the case or proceeding in which the appeal is taken. *See* 28 U.S.C. § 158(d)(2)(A)(iii).

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SIGNED: April 4, 2017
New York, New York

By: /s/ Thomas L. Long
BAKER & HOSTETLER LLP
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Thomas L. Long
Email: tlong@bakerlaw.com

*Attorneys for Appellant Irving H. Picard,
Trustee for the Substantively Consolidated
SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and the Estate of
Bernard L. Madoff*

By: /s/ D. Farrington Yates
KOBRE & KIM LLP
800 Third Avenue
New York, New York 10022
Telephone: (212) 488-1200
D. Farrington Yates
Email: farrington.yates@kobrekim.com

-and-

DENTONS US LLP
1221 Avenue of the Americas
New York, New York 10020
Telephone: (212) 678-6700
Facsimile: (212) 768-6800
Reid Ashinoff
Email: reid.ashinoff@dentons.com
Justin N. Kattan
Email: justin.kattan@dentons.com
T. Carter White
Email: carter.white@dentons.com

*Attorneys for Appellees EFG Bank S.A.,
EFG Bank (Monaco) S.A.M., and EFG Bank
& Trust (Bahamas) Limited*